

Appln. No.: 10/017,003
Amdt. Dated February 9, 2004
Reply to Office Action dated October 8, 2003

Remarks/Arguments

Claims 1-17 are currently pending. Claim 1 has been amended. Claims 1-16 stand rejected under 35 U.S.C. 112, second paragraph. The instant amendment of the claims corrects the informality highlighted by the examiner.

Prior to discussing the rejections of record based on the prior art, a brief explanation of the invention and its advantages over the prior art is considered warranted. The instant invention is directed to identifying and outsourcing groups of mailpieces from within a carrier distribution system. More specifically, the instant invention is directed to **dynamically determining criteria** that define a **suspect group** of mailpieces and **automatically identifying** suspect mailpieces that meet the criteria so that these suspect mailpieces can be outsourced. As discussed on page one of the specification, the suspect group of mailpieces are those mailpieces that, for example, may possibly be contaminated with a biological agent. Since specific mailpieces that are contaminated are not known, the criteria that is dynamically created identifies a suspect group of mailpieces that can be outsourced for further evaluation. Thus, as set forth in claim 2, if the government establishes that a delivered contaminated mailpiece originated at a specific induction point within the carrier distribution system, the criteria for defining the suspect group would be all mailpieces processed through that induction point. Further, the criteria could also include (as set forth in claim 14) a timeframe in which the mailpieces had to be inducted at the induction point to further narrow the mailpieces that fall into the suspect group. Once the criteria is dynamically established, the system automatically identifies the mailpieces falling within the criteria. A known specific mailpiece does not need to be identified which is exactly the point of the invention since the contaminated mailpieces are not known on an individual basis. It is further noted that some of the dependent claims and independent claim 17 recite that RFID tags and technology are used to automatically store within the mailpieces induction points and an associated time of induction at a specific induction point. Accordingly, the criteria are an induction point and a

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timeframe for induction, such that each mailpiece falling within the criteria is easily identifiable by reading the RFID tag on the mailpiece.

Claims 1-6 and 14 stand rejected under 35 U.S.C. 102(b) as being anticipated by Manduley. This rejection is respectfully traversed.

Manduley is directed to a mail delivery system that tracks **specifically identified individual mailpieces**. When a user wants a specific mailpiece tracked, they can apply a key to the mailpiece which uniquely identifies that mailpiece. The key is also provided to a central data base located at a data center 18. The central database sets up a file for that mailpiece and subsequently receives updates from various locations where the mailpiece has been processed identifying the location and the time the mailpiece arrived there. The central database is updated to include the location/time information for each mailpiece being tracked. The central database also calculates an expected mailpiece route and predicts the time of arrival at each location along the route. The central database polls the locations along the route to determine if the mailpiece has arrived at that location on time. If the mailpiece hasn't arrived, an investigation can be started to find the mailpiece. Thus, the whole purpose of Manduley is to identify known and specifically identified mailpieces that appear to be lost or possibly stolen. (See column 6, line 43 to column 7, line 4; column 11, line 58 to column 12, line 42). Manduley also permits the central database to be updated to recalculate expected arrival times (column 13, line 55 to column 14, line 6). Further, Manduley states, at column 14, lines 30-37, that storing the tracking data at a central database (instead of within the mailpiece) is an important underlying concept of the invention.

It is submitted that Manduley does not teach or suggest **dynamically determining the criteria defining a suspect group of mailpieces**. As discussed above, Manduley doesn't attempt to identify a suspect group of mailpieces. Rather, Manduley only tracks individual mailpieces that have a unique key printed thereon. There is no attempt to identify a suspect group of mailpieces from within the total plurality of mailpieces being processed. Since a group involves at least two items, the tracking of individual mailpieces cannot be said to be a

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group. Looking at things from another perspective, if a group of mailpieces were suspected of being contaminated, the only way that Manduley teaches identifying these mailpieces is through the use of their individual keys. However, since the specific mailpieces that are contaminated are not known, their keys cannot be identified. While Manduley's central database contains lots of tracking information, there is no teaching or suggestion in Manduley of dynamically creating criteria that would be used to identify a suspect group of mailpieces from the entire mailpiece population.

Regarding claim 2, the criteria used to define the suspect group is a specific point of induction. While Manduley does show that the central database is updated with information on the point of induction, it does not teach or suggest using the point of induction as the criteria to identify the group of suspect mailpieces within the distribution system.

Regarding claim 4, the inventive concept is further expanded to dynamically establish the criteria based on a plurality of induction points. Manduley does not teach or suggest this limitation.

Regarding claim 14, the suspect group defining criteria is based on the point of induction and a timeframe for induction (such as for example a specific day). Manduley does not teach or suggest identifying a suspect group of mailpieces based on such criteria.

In view of the above, it is submitted that Manduley does not anticipate or render obvious claims 1-6 and 14. Manduley is a system directed to tracking uniquely identified mailpieces and does not teach or suggest any method for dynamically determining a suspect group of mailpieces and automatically identifying those mailpieces based on a set criteria.

Claims 7, 15, and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Manduley in view of Kato. This rejection is respectfully traversed.

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Kato is directed to a system that uses RFID tags to store destination information about the mailpiece to which it is attached. The information that is stored may include a tracking number, delivery address information, delivery type, class of delivery, and special delivery instructions. During the processing of the mailpiece, its RFID tag is used at various locations and the mailpieces can be sorted based on the stored delivery/destination information. However, Kato is similarly deficient to the Manduley reference in that Kato does not teach or suggest sorting mailpieces based on a dynamically created set of criteria used to identify suspect mailpieces. Further, Kato does not teach or suggest outsourcing mailpieces based on a place of induction (claim 2), plurality of induction points (claim 3), or a place of induction and timeframe of induction (claim 14).

Applicants also submit that there is no teaching or suggestion in either Manduley or Kato for their combination as proposed by the Examiner. Further, even assuming *arguendo* that such combination is proper, the result does not teach the claimed invention. Even if the RFID tags of Kato were used to store the tracking key of Manduley on the mailpiece, neither reference teaches or suggests storing the induction point information (claim 7) or a timeframe for induction (claims 15) on the mailpiece. Manduley teaches that storing such information at a central database is "An important underlying concept in the system of the invention" (col. 14, lines 30-31). Accordingly, to modify Manduley to store such information on the mailpiece in an RFID tag instead of the central database, would destroy the intended function of Manduley. A 35 U.S.C. 103 rejection based upon a reference that destroys the intent, purpose or function of the invention disclosed in a reference, is not proper and a *prima facie* case of obviousness cannot be properly made. In short, there would be no technological motivation for engaging in the modification or change. To the contrary, there would be disincentive. In re *Gordon*, 733 F.2d 900, 221 USPO 1125 (Fed. Cir. 1984).

Additionally, in the claimed invention, information is written to the RFID tag at an induction point of the carrier distribution system. In Kato, the shipper writes delivery information to the RFID tag. However, once this is done, information is only read from the RFID tags during processing through the carrier distribution system. Accordingly, neither

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Kato nor Manduley teaches or suggests writing induction point information to an RFID tag on a mailpiece.


Finally, claim 17 includes a means for setting in the RFID tag a readable indicator of the rerouting of the mailpiece to an address different from the delivery address of the mailpiece. Neither Manduley nor Kato teach or suggest such indicator. Further, both Manduley and Kato are only concerned with the delivery of mail to its destination address. While Manduley does reroute mail, it is solely for the purpose of having it arrive in a more timely manner at its final destination.

In view of the above, it is submitted that the Examiner has not established a prima facie case of obviousness for claims 7, 15, and 17.

Applicants note that claims 8-13 and 16 have not been rejected over any art. Accordingly, since the 112, second paragraph rejection has been overcome, those claims are considered in condition for allowance.

In view of the above, it is submitted that the application stands in condition for allowance. Reconsideration of the rejections is requested and an early notice of allowance earnestly solicited.

Respectfully submitted,


Steven J. Shapiro
Reg. No. 35,677
Attorney of Record
Telephone (203) 924-3880

PITNEY BOWES INC.
Intellectual Property and
Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484-8000